

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ST. PAUL FIRE & MARINE INSURANCE CO.
a/s/o HUDSON STREET, LLC,

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Docket No. 08-CV-00465

RULE 56.1 STATEMENT

Plaintiff,

-against-

ARCHITRON DESIGNERS AND BUILDERS, INC.,
AYN ENTERPRISES INC., GJC STRUCTURES, P.E.,
P.C. and JOSEPH EDWARD VANCE ARCHITECT,

Defendants.

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Defendant, ARCHITRON DESIGNERS AND BUILDERS, INC. ("ARCHITRON"), by its undersigned attorneys, sets forth the statement of its contention as to material facts not genuinely in dispute, pursuant to Local Rule 56.1, in support of its motion for summary judgment, as follows:

1. This subrogation action arose as a result of a wall collapse at a property undergoing construction that was owned by the plaintiff's insured. (See Plaintiff's Summons and Complaint annexed to the Declaration of Edward Benson, Esq. as Exhibit "A").

2. Plaintiff provided Architron with a general release and entered into a stipulation of dismissal, dismissing all claims against Architron with prejudice. (See the General Release annexed to the Benson Declaration as Exhibit "E"; see Stipulation of Dismissal annexed to the Benson Declaration as Exhibit "F").

3. Prior to the commencement of this action, Plaintiff's subrogor, Hudson Street, LLC, had provided defendant Joseph Vance Architect s/h/a Joseph Edward Vance Architects with a general release dated December 30, 2002. (See the Affidavit of Joseph Edward Vance in

Support of Motion to Dismiss containing a copy of the general release, annexed to the Benson Declaration as Exhibit "G").

Dated: New York, New York
May 5, 2008

Respectfully Submitted,

NICOLETTI GONSON SPINNER & OWEN LLP

By: 
Edward S. Benson (EB 1908)

Attorneys for Defendant
ARCHITRON DESIGNERS AND BUILDERS, INC.
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ST. PAUL FIRE & MARINE INSURANCE CO.
a/s/o HUDSON STREET, LLC

Plaintiff,

-against-

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and JOSEPH EDWARD VANCE ARCHITECT

Defendants.

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